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COMMITTEE AGAINST TORTURE

Twelfth session

SUMMARY RECORD OF THE 173rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 April 1994, at 10.30 a.m.

Temporary Chairman: Mrs. KLEIN (Representative of the Secretary-General)

Chairman: Mr. DIPANDA MOUELLE

CONTENTS

Opening of the session by the representative of the Secretary-General

Solemn Declaration by the newly elected members of the Committee

Election of the officers of the Committee

Adoption of the agenda

Organizational and other matters

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN declared open the twelfth session of the Committee and announced that as from the current year, the Committee's work would be financed from the regular budget of the United Nations, in accordance with the decision taken by the General Assembly in resolution 47/111. She congratulated the members of the Committee who had been elected or re-elected at the Fourth Meeting of States parties to the Convention.

2. Since the previous session, a number of measures had been taken which concerned the Committee. For example, at its forty-eighth session the General Assembly had taken note of the Committee's annual report (A/48/44) and, inter alia, had urged States parties to notify the Secretary-General of their acceptance of the amendments for the purpose of funding the committees. It had also requested the Secretary-General to take the necessary measures to ensure that the Committee met as scheduled until the amendments entered into force (resolution 48/120).

3. The Commission on Human Rights, in resolution 1994/38, adopted at its fiftieth session, had welcomed the attention the Committee had paid to the development of an effective system of reporting on the implementation of the Convention by States parties, including its practice of formulating concluding observations after the consideration of such reports, as well as carrying out inquiries into cases of well-founded allegations of the systematic practice of torture in States parties. The Commission had also urged all States to become parties to the Convention as a matter of priority and had invited all States parties that had not yet done so to make the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20. It had also taken note of the report of the Working Group on the draft optional protocol to the Convention (E/CN.4/1994/25) and had welcomed the progress made in that connection. The Working Group had, in particular, benefited from the valuable contribution of Mr. Sorensen, who had represented the Committee.

4. In his annual report to the Commission (E/CN.4/1994/31), the Special Rapporteur on the question of torture had reviewed information on 60 countries, many of which were parties to the Convention. In his conclusions and recommendations, he had emphasized the importance of tackling such practices as incommunicado detention and the impunity of torturers, matters which were of great concern to the Committee. The Special Rapporteur hoped to be able to meet the members of the Committee before the end of the present session. With regard to the United Nations Voluntary Fund for Victims of Torture, the Board of Trustees had only had some $2 million available the previous year, whereas the required amount had been $4 million. For the current year, contributions received totalled $1.4 million as against a required amount of $5 million. In view of the shortfall, the Board of Trustees urged the Committee to encourage States parties, when presenting their reports, to make a contribution to the Fund.

5. The General Assembly had confirmed the appointment of Mr. Ayala Lasso as United Nations High Commissioner for Human Rights. He would be responsible, inter alia, for making recommendations to the competent bodies in the United Nations system for the promotion and protection of human rights, encouraging Governments to engage in dialogue with a view to guaranteeing respect for those rights and coordinating human rights activities within the United Nations system. In conclusion, she reaffirmed the support of the Centre for Human Rights for the Committee, which she hoped would have a fruitful session.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE (item 2 of the provisional agenda)

6. The TEMPORARY PRESIDENT invited the five members of the Committee elected or re-elected at the Fourth Meeting of the States parties to the Convention to make the solemn declaration in accordance with rule 14 of the rules of procedure (CAT/C/3/Rev.1).

7. Mr. DIPANDA MOUELLE, Mr. REGMI, Mr. SORENSEN, Mr. YAKOVLEV and Mrs. ILIOPOULOS-STRANGAS solemnly declared that they would perform their duties and exercise their powers as members of the Committee against Torture honourably, faithfully, impartially and conscientiously.

ELECTION OF THE OFFICERS OF THE COMMITTEE (item 3 of the provisional agenda)

8. The TEMPORARY PRESIDENT invited the Committee to elect a chairman.

9. Mr. BURNS proposed Mr. Dipanda Mouelle as chairman.

10. Mr. Dipanda Mouelle was elected Chairman by acclamation.

11. Mr. Dipanda Mouelle took the Chair.

12. The CHAIRMAN invited the Committee to elect its vice-chairmen and rapporteur.

13. Mr. SORENSEN proposed Mr. Burns, Mr. El Ibrashi and Mr. Lorenzo as vice-chairmen.

14. Mr. Burns, Mr. El Ibrashi and Mr. Lorenzo were elected Vice-Chairmen by acclamation.

15. Mr. LORENZO proposed Mr. Sorensen as rapporteur.

16. Mr. Sorensen was elected Rapporteur by acclamation.

17. Mr. EL IBRASHI and Mr. BEN AMMAR congratulated the Chairman, the Vice-Chairmen, the Rapporteur and the new members of the Committee on their election.

18. The CHAIRMAN expressed his sincere thanks and deep gratitude to all colleagues who had shown their trust in him, and to Mr. Burns, who had proposed him for the office of Chairman. It was a great honour not only for

him in person but also for Cameroon and all Africa. He wished to express his own congratulations to the Vice-Chairmen, the Rapporteur and the new members of the Committee.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda) (CAT/C/26)

19. The provisional agenda (CAT/C/26) was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5)

20. The CHAIRMAN drew attention to the draft programme of work circulated in a document bearing no symbol; the programme could, of course, be changed. It was envisaged that agenda item 5 would be resumed at the next meeting, as well as on 19 and 26 April. As agreed at the previous session, the Committee would first of all be invited to hold an exchange of views on its methods of work and to provide general information in that regard to its new members. Secondly, the Committee was to take decisions at the present session on the methods used in considering reports by States parties, including the drafting of its conclusions. Further discussions and decisions aimed at improving the Committee's methods of work could take place later on the basis of document CAT/C/X/Misc.3/Rev.1, prepared by the secretariat at the Committee's request. The Committee must also designate two of its members as country rapporteur and alternate country rapporteur for the consideration of the initial report of Israel.

21. There were also various questions to be settled early in the session relating to implementation of articles 20 and 22 of the Convention. In that regard, he would remind the Committee that, since the dossiers circulated in connection with articles 20 and 22 of the Convention were confidential, members should not part with them and should return them to the secretariat at the end of the session. For the same reason, if a member of the Committee had to speak at an open meeting about the Committee's work relating to articles 20 and 22 of the Convention, he or she must take care not to mention the name of any country or give any other information about the procedures. He informed the Committee that Mr. Rodley, the Special Rapporteur of the Commission on Human Rights on the question of torture, would like to attend the Committee on the morning of 27 April and asked whether the members would find that inconvenient.

22. Mr. LORENZO said that, on the contrary, the visit would be most welcome, and he suggested that an invitation should be duly sent to the Special Rapporteur, so as to hold a fruitful dialogue with him.

23. The CHAIRMAN said that that would be done.

24. Mr. SORENSEN observed that a closed meeting was scheduled for the morning of 27 April and that it would be better to receive the Special Rapporteur at an open meeting.

25. The CHAIRMAN pointed out that the Committee would probably be holding a press conference on the morning of 28 April. In addition, the High Commissioner for Human Rights would be coming to speak to the Committee at the beginning of the next meeting, after which the Committee would continue in closed session.

26. Mr. LORENZO said it would be as well for the Committee to choose, as soon as possible, a country rapporteur and alternate country rapporteur for consideration of the report of Israel. They would need time to carry out their work.

27. The CHAIRMAN said he agreed and asked who would be prepared to take on the task.

28. Mr. BURNS said that he was willing to be the country rapporteur for Israel; he would like his alternate to have a good command of English.

29. The CHAIRMAN announced that Mr. Sorensen had agreed to be the alternate country rapporteur for Israel.

30. Mr. Burns and Mr. Sorensen were appointed country rapporteur and alternate country rapporteur for Israel.

31. Mr. EL IBRASHI said that he would like to know more about the content of the discussions on methods of work to be held during the Committee's next two meetings. Would there be a basic document on the subject?

32. Mr. BRUNI (Secretary of the Committee) confirmed that the tentative programme of work proposed to the Committee envisaged consideration, at the next two meetings, of the Committee's methods of work. In particular, the Committee would have occasion to think about changing the methods it used for drawing up its conclusions on reports. The matter would have to be examined promptly before consideration of the reports began. The Committee could also discuss, of course, other matters under item 5.

33. Mr. EL IBRASHI said he wondered whether it was wise to assign two meetings to those questions and whether it might not be better to move more quickly to agenda items 8 and 9, for example.

34. The CHAIRMAN replied that, if the Committee managed to dispose of all the questions raised under the present item, it could indeed move on to consideration of another item.

35. Mr. BRUNI (Secretary of the Committee) pointed out that the Committee's next meeting would open with the visit of the High Commissioner for Human Rights. It was suggested that the Committee should meet in closed session, in order first of all, to provide new members with the requis e information and answer their questions. The Committee could then deal with the issue of how to draft its conclusions on reports by States parties and perhaps envisage making some changes to the procedure, as had been suggested at the previous session. At the next meeting, the Committee might also proceed, if there was time, to problems of information and organization which had been raised with regard to inquiries made and communications received under articles 20 and 22

of the Convention. Since those matters could be dealt with only in closed session, he could not say any more for the moment, but he pointed out that a number of decisions in that regard had to be taken, as a matter of urgency, early in the present session. Also, for practical reasons, the members of the secretariat dealing with communications would prefer to produce the required information not at the next meeting but at the following one.

36. Mr. SORENSEN said it was a very sound idea to take up the question of methods of work at the next meeting, since that would be the best way for the new members to learn how the Committee operated. In that connection, he would suggest that the secretariat should provide a few examples of recent conclusions; the discussion would thus be easier and clearer.

37. The CHAIRMAN said that the secretariat had taken note of that useful suggestion.

The meeting rose at 11.45 a.m.